

CHAPTER NO. 105

HOUSE BILL NO. 3575

By Representatives McDaniel, Rinks

Substituted for: Senate Bill No. 3483

By Senator Herron

AN ACT to repeal Chapter 772 of the Private Acts of 1947, as amended by Chapter 139 of the Private Acts of 1973 and all other acts amendatory thereto, and to enact a new Charter for The Town of Scotts Hill.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 772 of the Private Acts of 1947, as amended by Chapter 139 of the Private Acts of 1973, and all acts amendatory thereto, being the Charter of The Town of Scotts Hill, are hereby repealed and the following sections shall become the Charter for The Town of Scotts Hill.

SECTION 2. The Town of Scotts Hill, in Henderson County and Decatur County, and the inhabitants thereof are hereby constituted and declared a body politic and corporate, by the name and style of "The Town of Scotts Hill," and by that name shall have perpetual existence, may use a common seal and alter it as desired, may sue and be sued, may plea and be interpleaded in all courts of law and equity in all actions whatsoever, may purchase and sell, receive, own and hold real estate and personal property within and without the town for corporate purposes and may sell, lease or dispose of such property for the benefit of the corporation, and take all other actions that a natural person may take respecting such property.

SECTION 3. The corporate limits of The Town of Scotts Hill shall embrace the territory in Henderson County and Decatur County within the following boundaries:

(a) Beginning on what is known as the Swift bridge on the Lexington-Scotts Hill Rd. running S 55 degrees W 128 poles to a cedar in Mrs. J. F. Austin's field, thence S 21 degrees W 116 poles to a stake 20 feet N of the Scotts Hill-Reagan Rd.; thence in an Easterly direction 80 poles to a white oak in front of Charlie Robert's residence; thence S 4 poles to a stake; thence in an Easterly direction on the S side of said road 40 poles to a stake with oak pointer, thence S 20 poles to a hickory with red oak pointer, thence due E across the lands of C. H. Kennedy, M. L. Clenney, Ilay Austin, W. A. White, R. L. Bailey, H. P. Davenport, and J. W. Newman, 240 poles to a stake on the line between J. W. Newman and Mrs. Mary Heath; thence in a Northerly direction with the lines of Newman and Heath and A. J. Veteto across the Scotts Hill-Decaturville Rd, in J. W. Newman's woods lot at the head of a hollow 34 poles to a stake; thence down said branch with its meanders 210 poles to a stake on the branch in R. L. McKenzie's field; thence N 18 degrees 190 poles to the Swift bridge, the beginning.

Aug. 15, 1955 Add. No. 1

(b) Beginning at a point in the margin of the Clifton Rd. near the head of the Mill Pond branch, runs thence S 51-1/2 degrees E 44 poles to the SW corner of a tract of land in the name of J. W. Dunavant; thence E 16 poles to a stake, same being the SE corner of J. W. Dunavant's garden; thence N 20 degrees W 41 poles to a red oak on the S margin of the Old Decaturville Rd.; thence in a

NW direction 3 poles to a stake in Chessie Haggard's line; thence in a Northern direction, with the John Hughes Rd., 15-1/2 poles to the NE corner of a tract of land in the name of Chessie Haggard.

Scotts Hill-1955
Add. No. 2

(c) Beginning at a stake, same being 4 poles S of a white oak located in front of Charlie Robert's former residence, runs thence S 6 poles to a stake; thence E 19 degrees S approximately 40 poles to a hickory with red oak pointers, same being a corner of the original corporation line; thence N with said original corporation line approximately 20 poles to a stake with red oak pointer, same being a corner of original corporation line; thence W with said original corporation line 40 poles to the point of beginning.

By Annexation, August 1955

SCOTTS HILL, DECATUR COUNTY, TENNESSEE

(d) Beginning at a point in the margin of the Clifton Road near the head of the Mill Pond Branch, runs thence S 51-1/2 E 726 ft. (44 poles) to the SW corner of a tract of land in the name of J. W. Dunavant; thence E 264 ft. (16 poles) to a stake, same being the SE corner of J. W. Dunavant's garden; thence N 20 degrees W 637 ft. (41 poles) to a red oak tree on the S margin of the Old Decaturville Road; thence in a NW direction 52 ft. (3 poles) to a stake in Chessie Haggard's line; thence in a Northern direction, with the John Hughes' Road, 421 ft. (25-1/2 poles) to the NE corner of a tract of land in the name of Chessie Haggard; thence S 55 degrees W 643 ft. (39 poles) to the original corporation line at the Mill Pond branch; thence in a Southern direction with the meandering of said branch to the point of beginning.

(e) Beginning on a stake, same being 4 poles South of a white oak located in front of Charlie Robert's former residence, runs thence S 6 poles to a stake; thence E 19 degrees N approximately 40 poles to a hickory with red oak pointers, same being a corner of the original corporation line; thence N with said original corporation line approximately 20 poles to a stake with red oak pointers, same being a corner of the original corporation line; thence W with said original corporation line 40 poles to the point of beginning.

(f) Beginning in center of road where Hughes' Road leaves the Old Decaturville Road, runs thence E and SE 716 ft. (43 rods) 6-1/2 ft. to John Etheridge's SW corner, thence N 1122 ft. (68 poles) to a stake with popular pointers, same being J. W. Mitchell's S line, thence W 363 ft. (22 rods) to a stake with white oak pointers, the same being J. R. Mitchell's SW corner, thence 990 ft. (60 poles) to forked post oak, thence W 511.5 ft. (31 poles) to Hughes Road, thence continuing W 990 ft. (60 poles) to Mill Pond branch, thence up Mill Pond branch 1162 ft. (70 2/5 poles) to old corporation line 178 ft. (10 4/5 poles) to a stake, thence in a Southern direction 594 ft. (36 rods) to corner of old corporation line, thence in an E and NE direction 223 ft. (13 1/2 poles) to Hughes Road, thence S with road 421 ft. (25 1/2 poles) to the original point of beginning.

BY ANNEXATION
10-1-65

(g) Beginning on the S city limit line of The Town of Scotts Hill, Tennessee, at a point 200 feet East of the East margin of the right-of-way of the

Sardis Road that at present has an asphalt surface, runs thence in a Southern direction and at all times and points 200 feet East of the East margin of the right-of-way of said Sardis Road to a point in the South line of Wilson Miller land; runs thence in a Western direction and crossing said Sardis Asphalt road and continuing in said Western direction to a point 200 feet West of said Sardis Road, and so as to embrace the Arb Swift land, or a portion thereof; runs thence back in a Northern direction and at all times and places 200 feet West of the West margin of the right-of-way of said Sardis asphalt road to the present city limit line of The Town of Scotts Hill, Tennessee; thence in an Eastern direction with the South city limit line of The Town of Scotts Hill, Tennessee, to the point of beginning.

(h) Beginning on or at a point in the North city limit line of The Town of Scotts Hill, Tennessee, and which point is 200 feet West of State Highway No. 114 (sometimes referred to as the old Lexington-Scotts Hill Stage Road), runs thence in a Northern direction and at all times and places 200 feet West of the West margin of the right-of-way of said Highway No. 114 to a point which is 200 feet South of the South margin of the right-of-way of State Highway No. 100; runs thence in a Western direction and parallel with the South margin of the right-of-way of said Highway No. 100 and at all times and places 200 feet South of the said South margin of the right-of-way of said highway to a point in the East bank of Cane Creek, and which said point is 200 feet South of the South margin of the right-of-way of said Highway No. 100; runs thence in a Northern direction with the East bank of Cane Creek to a point 200 feet North of the North margin of the right-of-way of said Highway No. 100; runs thence in an Eastern direction and at all times and places 200 feet North of the North margin of the right-of-way of said Highway No. 100 to a point 200 feet West of the West margin of the right-of-way of the old Lexington-Scotts Hill Stage Road (Highway No. 114 extended); runs thence in a Northern direction and at all times and places 200 feet West of the West margin of the right-of-way of said old Lexington-Scotts Hill Stage Road (Highway 114 extended) to a point in the North line of the Charlie Powers land, and which point is 200 feet West of said Old Stage Road; runs thence in an Eastern direction crossing said old Stage Road at right angles and continuing on to a point 200 feet East of the East right-of-way margin of said road, and embracing the Dorothy Maness land; runs thence in a Southern direction and at all times and places 200 feet East of the East margin of the right-of-way of said Old Stage Road to a point 200 feet North of the North margin of the Middleburg Road; runs thence in an Eastern direction and at all times and places 200 feet North of the North margin of the right-of-way of said Middleburg Road a distance of 600 feet; runs thence in a Southern direction and crossing said Middleburg Road and continuing to a point 200 feet South of the South margin of the right-of-way of said Middleburg Road; runs thence in a Western direction and at all times and places 200 feet South of the South margin of the right-of-way of said Middleburg Road to a point 200 feet East of the East margin of the right-of-way of the old Scotts Hill and Lexington Stage Road; runs thence in a Southern direction and at all times and places 200 feet East of the East margin of the right-of-way of said Scotts Hill and Lexington Stage Road to a point 200 feet North of the North margin of the right-of-way of State Highway No. 100; runs thence in an Eastern direction and at all times and places 200 feet North of the North margin of the said Highway No. 100 to the West bank of Flat Creek; runs thence in a Southerly direction crossing said Highway No. 100 and continuing to a point 200 feet South of the South margin of the right-of-way of said Highway No. 100; runs thence in a Western direction and at all times and places 200 feet South of the South margin of the right-of-way of said Highway No. 100 to a point 200 feet East of the East margin of the right-of-way of Highway No. 114 (old Lexington-Scotts Hill Stage Road); runs thence South and at all times and places 200 feet East of the East

margin of the right-of-way of said Highway 114 to a point in the present North city limit line of The Town of Scots Hill, Tennessee; runs thence West and crossing said Highway No. 114 to the point of beginning.

SECTION 4. The right, title and ownership of all property of The Town of Scotts Hill and all uncollected taxes, assessments, dues, fines, costs, claims, judgments, choses in action, and all its rights of every kind and character whatsoever, shall immediately become and are hereby vested in the municipal corporation by this act. The new corporation shall be burdened, charged with and made liable for all debts, contracts, bonds and obligations of the old corporation which it succeeds, in the same manner and form and to the same extent as the prior municipal corporation was under existing laws.

SECTION 5. All laws, ordinances, and resolutions lawfully enacted by the governing body of the Town under any preceding Charter or Charters and not inconsistent with this Charter shall remain in full force and effect under this new Charter until such time as the governing body of The Town of Scotts Hill shall elect to amend, modify, or repeal the same.

SECTION 6. The municipality shall have the following powers and authorities:

(a) The municipality may enact laws and ordinances as may be necessary and proper to preserve health, peace and good order.

(b) The municipality may prevent, remove and abate nuisances.

(c) The municipality may establish a police department with a police chief and such officers and personnel as may be deemed necessary, and as may be fixed by ordinance.

(d) In order to ascertain the boundaries of streets and alleys, to alter existing streets and alleys, and to lay out and establish new streets and alleys, the municipality may condemn lands and other property for such purposes, and may sell and convey streets and alleys owned by the municipality in fee simple that are located within the corporate limits for the benefit of the municipality.

(e) The municipality may:

(1) Extend, establish, grade pave or otherwise improve, clean, or keep in repair streets, alleys, pikes, sidewalks, curbs and gutters; and

(2) Remove trees or other obstructions from streets, sidewalks and alleys; and

(3) Grant rights of way on and along streets and alleys for electric power lines, telephone lines, gas lines, water lines, and all other utilities, and when necessary to grant to such utilities the power to trim trees or limbs extending into streets and alleys.

(f) The municipality may erect, establish, and keep in repair bridges, culverts, sewers and gutters that are within the corporate limits or that are immediately connected with property that is within the corporate limits.

(g) The municipality may assess property for taxes and to levy and collect, by proper officials, taxes on all real estate, personal property, privileges, sales and any other taxes now or hereafter taxable under the laws of the state of Tennessee.

(h) The municipality may appropriate money and provide for the payment of the debts of the municipality.

(i) The municipality may enact ordinances or regulations to prevent the introduction and spread of contagious diseases in the municipality and within one (1) mile adjacent to the corporate limits of the municipality, and when deemed necessary, may appoint a Board of health or health officer for the purpose of enforcing the rules and regulations and ordinances concerning the same.

(j) The municipality may restrain and prohibit gaming or gambling in contravention of the general laws of the state of Tennessee, prostitution, indecent exposure, indecent shows and exhibitions, and other disorderly conduct by enacting ordinances that prohibit such conduct and prescribe penalties for their violation.

(k) The municipality may organize and regulate a fire department and fire companies for the municipality, and may regulate and suppress all fire hazards. This power includes the powers to establish a fire zone and prohibit the erection of wooden buildings in such parts of the municipality as may be deemed necessary, to regulate the storage of gun powder, dynamite and any and all combustible materials and explosives, to regulate the use of lights, stove pipes and heating systems in any building within the corporate limits, and to regulate the installation of electric wiring, gas pipes and heating systems in any building within the corporate limits.

(l) The municipality may impose and collect fines, forfeitures and penalties for breaches and violations of the ordinances of the municipality, and may commit to jail any person who may fail or refuse to pay or secure any fine imposed upon them by any municipal ordinance as provided by law.

(m) The municipality may provide for the arrest and confinement of persons found to be in violation of state or federal laws.

(n) The municipality may provide, by ordinance, for a waterworks department for the municipality, and may furnish to the municipality and to its inhabitants water and sewer systems under the provisions of any law now in effect, or that may hereafter be enacted, providing for the operation of such systems.

(o) The municipality may regulate, tax, license or suppress the keeping or running at large of all livestock within the corporate limits, may impound any animal or animals running at large, and may sell or dispose of such animals as provided by ordinance.

(p) The municipality may limit the speed of any motor vehicle or animal on any public street or alley within the corporate limits, and may otherwise regulate traffic and parking within the corporate limits.

(q) The municipality may license, tax, and regulate all motor vehicles of any type that use any public street or alley within the corporate limits, and may generally regulate, control or prohibit the use of the public streets or alleys and other public areas within the corporate limits.

(r) The municipality may pass all laws, ordinances and regulations necessary to enforce the powers granted, not inconsistent with the constitution and laws of the United States and the state of Tennessee.

(s) The municipality may levy and collect, at the discretion of the governing body of the municipality, a tax of fifty cents (50¢) on the one hundred dollars (\$100) value of taxable property, annually, for the purpose of advertising the commercial, social, agricultural, industrial, scenic, historical, educational, and religious points of interest and advantages of the municipality.

(t) The municipality may issue interest bearing warrants and notes for public improvements in the municipality, to pay the indebtedness of the municipality, and to provide by ordinance a sinking fund and tax levy to pay the same, as long as the maturity of the interest bearing warrants or notes does not exceed twelve (12) months from the date of issue.

(u) To the extent permitted by state law, the municipality may license, tax, regulate and prohibit the possession, transportation, use or sale of any alcoholic beverages within the corporate limits and may impose a special privilege tax on the sale of any alcoholic beverages.

(v) The municipality may regulate the location, bulk, occupancy area, lot, location, height, construction and materials of all buildings and structures; may inspect all buildings, lands and places as to their condition for health, cleanliness and safety; and whenever necessary, may prevent the use of any building or structure and require alterations or changes necessary to make it healthful, clean or safe.

(w) The municipality may condemn for present or future public use any real or personal property, or any easement, interest in or use of that property, either within or without the corporate limits, so long as the condemnation is made in accordance with the terms and provisions of the general law of state of Tennessee, the Constitution of the state of Tennessee and the Constitution of the United States regarding the exercise of the power of eminent domain.

(x) The municipality may impose penalties upon the owner or occupant of any house, wall, sidewalk, or other structure which may be considered dangerous or detrimental to the citizens, and may provide notice to the owner or occupant that the same is to be removed or repaired, in accordance with ordinance. If the owner or occupant does not comply, the municipality may cause the same to be removed or repaired, and shall have a lien upon the property for the costs of such repair or removal.

SECTION 7. The Board of Mayor and Aldermen may issue and sell bonds of the Town for any purpose authorized by the general laws of the state of Tennessee and according to procedures as specified by the general laws of the state of Tennessee for the issuance of bonds, found at Tennessee Code Annotated, Title 9, Chapter 21, as it may be amended from time to time.

SECTION 8. The governing body of The Town of Scotts Hill shall be known and designated as the Mayor and Board of Aldermen of The Town of Scotts Hill. The governing body shall consist of a Mayor and seven (7) Aldermen, each of whom shall be residents not less than twenty-one (21) years of age who shall have resided at least one (1) year in The Town of Scotts Hill prior to their election. For the purpose of effectuating this act, the present duly elected and acting Mayor and Board of Aldermen shall be, and they are hereby constituted, the Mayor and Board of Aldermen of The Town of Scotts Hill.

They shall possess all the powers vested by law in such officials, shall discharge all the duties encumbered upon them as such officials from and after the effective date of this act, and shall hold their offices until their successors are duly elected and qualified. The officials hereinbelow named shall, within fifteen (15) days after the passage of this act, take an oath before some person qualified to administer oaths within Decatur County and Henderson County that conforms with the oath prescribed by statute for public officials. All subsequent elected or employed officials shall take the same oath, which shall be filed with the Recorder or Mayor and entered upon a journal upon which the minutes of the meetings of the Mayor and Board of Aldermen are entered. If a vacancy is caused by death, resignation, removal or otherwise of the Mayor or any member of the Board or Alderman, the remaining members of the Board of Aldermen and the Mayor shall elect some qualified person, as hereinafter provided, to fill the vacancy. That person shall be elected to hold office until the next legal election of the municipal officials. For the purpose of effectuating this act, the following named persons, who are the present elected, qualified, and acting municipal officials under the previous Charter, shall be the first Mayor and Board of Aldermen provided for in this act:

Don Buckingham, Mayor
Arlie Bingham, Alderman
Woody Capley, Alderman
Randy Cupples, Alderman
Tony Rogers, Alderman
Gordon Scott, Alderman
Bill Snider, Alderman
Joe Tomblin, Alderman

These officials and their successors in office shall be paid a salary and expenses for their services as such officials, with the amount to be fixed by ordinance; provided, however, that no increase in salary for the Mayor or Board of Aldermen shall take effect until after the next general election to fill the offices of Mayor and Aldermen. Immediately after being sworn into office as such officials, the Mayor and Board of Aldermen shall meet at once and organize and assume charge of the affairs of the municipality and shall proceed to employ such public employees and officers as the Board shall at any time deem necessary. Public officials shall be employed by majority vote of the Board of Aldermen. The Mayor or Town Secretary shall perform the duties of the Recorder hereunder until such time as a Recorder shall be employed by the Board. The Town Secretary shall be elected by the Board of Aldermen from its membership.

The Mayor shall not be permitted to cast a vote as a member of the Mayor and Board of Aldermen except in case of a tie, in which case the Mayor shall be required to cast the deciding vote. It is the duty of the Board of Aldermen to fix the salaries of all officials employed by them, and they are hereby empowered to discharge any such official with or without cause, when, in their judgment, such action appears to be the best interest of The Town of Scotts Hill. The Mayor and Board of Aldermen shall meet in regular session at least once (1) each month at a time and place to be fixed by ordinance, and the Board of Aldermen may by ordinance periodically change the date and time of the regular meeting.

SECTION 9. The Mayor and his successors in office shall preside over all meetings of the Board of Aldermen.

It is the duty of the Mayor to present to the Board of Aldermen any information that in the judgment of the Mayor demands consideration by the Board of Aldermen. The Mayor may call special meetings of the Board of Aldermen. Whenever, in the written opinion of three (3) members of the Board of Aldermen, the welfare of the Town demands it, the Mayor or Recorder shall call a special meeting of the Board of Aldermen, and

notice of the special meeting will be served by a member of the police force or left at the usual place of residence of the member.

Each call for a special meeting shall set forth the character of the business to be transacted at such meeting, and no other business shall be considered at such meeting except by unanimous consent of the Board of Aldermen present at such meeting.

The Mayor or Recorder shall submit to the Board at each regular meeting a report of the financial condition of the municipality that shows all receipts and disbursements made during the month and all obligations owing by the municipality, together with the balance of funds on hand.

A statement shall be ordered published by the Board of Aldermen annually in a newspaper of general circulation in the municipality which shall show the receipts and disbursements made during the prior fiscal year. The Mayor or the Mayor's designee shall have the power and duty to sign all warrants, cheques and other vouchers, and countersign all those drawn by the Recorder against the funds of the municipality. All contracts or deeds executed in the name of the municipality shall be signed by the Mayor, and attested by the Recorder or Secretary, when authorized by the Board of Aldermen.

The Mayor and Board of Aldermen may employ a Town Attorney whose duties are hereinafter set out, and whose salary shall be fixed by the Mayor and Board of Aldermen. The Board of Aldermen may employ additional counsel to assist the Town Attorney when, in their judgment, the circumstances demand it.

The Mayor and Board of Aldermen may employ special policemen to assist the police chief when, in their judgment, the circumstances demand such action. Compensation of special policemen shall be fixed by the Board of Aldermen, and the employment of such officers shall be made in writing and entered of record on the minutes of the Board of Aldermen. The Mayor and Board of Aldermen may, by ordinance, establish a Police Department, with a police chief and such policemen or patrolmen as may be determined by the Board.

The Mayor and Board of Aldermen may establish by ordinance such departments to administer the affairs of the municipality as deemed by the Mayor and Board of Aldermen to be necessary, may prescribe the duties of the departments so created, and may fix the salaries of the heads of the departments and employees thereof. A member of the Board of Aldermen may be designated as the head of any such department.

SECTION 10.

(a) The Mayor and Board of Aldermen may construct, improve, reconstruct and reimprove, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, avenues, alleys, squares or other public places within the corporate limits and to assess a portion of the costs of such improvements upon the property abutting upon or adjacent to said streets, highways, alleys or other public places under and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33, as they may be amended, or by any general law of the state now or hereafter in force.

(b) The Mayor and Board of Aldermen may impose by ordinance interest and penalties in the same amount as now or may hereafter be imposed by law upon delinquent county taxes, and may provide by ordinance for the enforcement and collection of the same. The taxes payable to the municipality shall be due at

the same time as county taxes, and shall become delinquent on the same date as county taxes become delinquent.

(c) The Mayor and Board of Aldermen may enact such ordinances and laws as shall be necessary to effectuate the powers vested by this Charter in the municipality. Any such laws and ordinances so enacted shall not be inconsistent with the laws of the State of Tennessee. The Mayor and Board of Aldermen may perform all duties required to effectuate the powers herein vested in the municipality which are not delegated to some other official by this Charter, and may perform all duties and acts imposed by law upon municipal legislative bodies.

(d) The Mayor and Board of Aldermen, in acting on any and all questions coming before the Board of Aldermen, including the enactment of all laws, resolutions and ordinances, shall vote upon roll call, and the vote of each member thereof shall be recorded on each and every question by entry in the journal in which the minutes of the meeting of the Board of Aldermen is kept.

(e) The Mayor and Board of Aldermen shall require all oaths of office to be in writing, and the same shall be filed with the Recorder or Town Secretary and entered upon the journal of the minutes of the Board of Aldermen, and shall become a part of the records of the Board of Aldermen.

(f) The Mayor and Board of Aldermen may select one (1) of the members of the Board of Aldermen as Vice Mayor, and the duties of the Vice Mayor shall be to preside over the meetings in the absence or inability of the Mayor to be present at any meeting, and also to act as Mayor in any capacity that this act requires of the Mayor in the absence or inability of the Mayor. In the event of death, presumed death, resignation, or disability of the Mayor, the Vice Mayor shall assume all the duties of the Mayor and shall act as Mayor until the next regular election.

(g) In the absence or inability of the Mayor or Vice Mayor to be present at any meeting, it shall be the duty of the Board of Aldermen to elect one of their number to preside over such meeting.

SECTION 11. The Mayor and Board of Aldermen shall, in the passing or enacting of all ordinances, observe the following:

(a) An ordinance shall be considered and adopted on two (2) separate days. Any other form of Board action shall be considered and adopted on one (1) day. Any form of Board action shall be passed by a majority of the members present, if a quorum is present. A quorum is a majority of the members to which the Board of Aldermen is entitled. All ayes and nays on all votes on all forms of Board action shall be recorded. The Mayor, or the Vice Mayor in the event of the absence or inability of the Mayor, shall sign all ordinances which have received the affirmative vote of the majority of the Board of Aldermen present within twenty-four (24) hours after the Board of Aldermen passes the ordinance. When an ordinance is introduced, it shall be the duty of the Recorder or Secretary to note on the ordinance the name of the person introducing the ordinance, the date of its final passage, and the date it was signed by the Mayor or Vice Mayor. The ordinance shall be divided into appropriate sections, shall be in brief, intelligible form, and shall, after passage, be recorded in a well-bound book or printed or typewritten upon durable paper, and a copy thereof, whether printed or typewritten, as ordered by the Board and certified by the Recorder or Secretary,

shall be received in evidence by Courts of this State as competent evidence of the provisions of such ordinance.

(b) All ordinances shall commence as follow: "BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF SCOTTS HILL, TENNESSEE AS FOLLOWS:"

SECTION 12. The Mayor and Board of Aldermen are hereby authorized and empowered to draft or embody the ordinances of The Town of Scotts Hill in the form of a code, embracing all ordinances, to be known and designated as the "Town Code." Said code shall be made up on a loose-leaf record approved by the Mayor or Vice Mayor in order that new ordinances passed from time to time may be inserted therein. The original or a copy of the Town Code certified by the Mayor or Recorder shall be received in evidence by the Courts of this State as competent evidence of the provisions of the Town Code.

All ordinances of a general nature or imposing a penalty in the event of violation shall be published in a newspaper circulated in the municipality at least one (1) time before enforcement thereof.

The Board of Mayor and Aldermen may adopt, by reference, all codes or ordinances as provided by general law, applicable to municipal corporations.

SECTION 13. Although a majority of all the members of the Board of Aldermen shall constitute a quorum, a smaller number of the members of the Board of Aldermen may meet or adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalty as the Board may provide.

SECTION 14. The Mayor shall be empowered as follows and impressed with the following duties:

(a) To issue warrants for the arrest and apprehension of any and all violators of the criminal laws, misdemeanors, ordinances and offenses against the municipality as prescribed by ordinance.

(b) To discharge all the duties imposed upon justices of the peace and magistrates; exercise the duties and possess all judicial powers of justices of the peace and magistrates as to criminal offenses committed in the corporate limits of said municipality.

(c) To preside over the Town Court.

(d) The Mayor shall have powers to impose and collect fines, penalties, and forfeitures for violations of the town ordinances, and shall have and receive the fees allowed by law to justices of the peace in criminal cases, which fees shall become the property of The Town of Scotts Hill, and shall be accounted for by the Mayor.

SECTION 15. The Recorder shall be appointed to his position by the Mayor, subject to the approval of the Board. The Recorder may be removed from office by the Mayor, subject to the approval of the Board. The Recorder shall be empowered as follows and impressed with the following duties:

(a) The Recorder shall, before entering upon the duties of his office, enter into a fidelity bond issued by some bonding company licensed to do business in the state of Tennessee, the premium of the bond to be paid from the

funds of the municipality, conditioned and in the amount to be determined by the Mayor and the Board of Aldermen, the bond to be roved by and filed by the Mayor and entered of record on the minute book of the Recorder's office.

(b) The Recorder shall also, before entering upon the duties of his office, take an oath before the Mayor, for the faithful performance of his duties, which oath shall be filed by the Mayor and entered as heretofore provided.

(c) The Recorder shall hold his office at the pleasure of the Board, and until his successor is employed and qualified.

(d) The Recorder or the Mayor's designee shall enter all municipal court cases upon a docket kept for the purpose, showing the name of the defendant, the charge against the defendant, the judgment in the case, the costs of the case and whether collected, said docket to be similar to that prescribed by law for justices of the peace. The Recorder shall make a report of all fines and costs collected by him, to the Mayor and Board of Aldermen at each monthly meeting.

(e) The Recorder, or the Mayor's designee, shall, after receipt of the tax assessments as hereinafter provided, copy the name of the property owners on a book to be known as the tax book, giving the true boundaries, valuation of the property and total amount of taxes due.

(g) The Recorder, or the Mayor's designee, shall collect all taxes due The Town of Scotts Hill, and when delinquent, all interest and penalties, and issue his receipt therefor, and which receipts shall be consecutively numbered, and when issued the number shall be entered opposite the name of the property owner paying the tax.

(h) The Recorder shall receive such compensation from the municipality as allowed by the Mayor and Board of Aldermen by proper ordinance.

(i) The Recorder shall perform such other duties and have such authority as may be conferred upon him by the Mayor and Board of Aldermen by ordinance duly enacted.

SECTION 16. The Mayor and Board of Aldermen, by ordinance, shall appoint a Board of three (3) members, who shall be property owners within the Town, and who shall serve at the pleasure of the Board, to assess all property within the corporate limits of the Town for taxation.

SECTION 17. The Town Attorney shall be appointed by the Mayor subject to the approval of the Board. The Town Attorney may be removed from office by the Mayor, subject to the approval of the Board. The Town Attorney shall possess the following qualifications, and his duties shall be as follows:

(a) The Town Attorney shall be a regularly licensed attorney at law, and shall be qualified to practice law in all the courts in the state of Tennessee.

(b) It shall be his duty to represent the municipality in all suits in which The Town of Scotts Hill shall be engaged or concerned in any of the courts of the Town or State.

(c) He shall give legal advice and written opinions to any of the Town officials on any and all legal matters concerning The Town of Scotts Hill, when requested to do so by the Mayor or the Board of Aldermen, and shall attend all

meetings of the Mayor and Board of Aldermen when requested to do so by the Mayor or any member of the Board.

(d) He shall, when requested by the Mayor or Board of Aldermen, draft any and all ordinances, and when requested to do so, examine any and all ordinances considered by the Mayor and Board of Aldermen, and pass their validity and legality, and shall perform such other and further legal services as are consistent with his office.

(e) The salary of the Town Attorney shall be fixed by the Mayor and Board of Aldermen by ordinance, and the Town Attorney shall, in addition to his regular compensation, be paid additional fees as his services may demand, and the Mayor and Board of Aldermen may within their discretion allow.

SECTION 18. The Mayor and seven (7) Aldermen herein named and especially designated as Mayor and Aldermen of The Town of Scotts Hill, shall hold their office subject to the provisions herein set forth, until September 1, 2004, or until their successors are duly elected and qualified.

SECTION 19. The Henderson County Election Commission shall by ordinance call an election to be held in August 2004, for the election of a Mayor and seven (7) Aldermen to succeed those named in this act, and who shall take office September 1, 2004, and hold for a period of two (2) years. Notice of the election and all other elections provided by this act shall be given in a newspaper of general circulation in The Town of Scotts Hill for the length of time as provided by law for general county elections. The ordinance calling the election and the notice of election shall designate the voting place at which the election shall be held, and the names of the officers to hold the election, which shall be the same as provided by law for holding general county elections. The election shall be held within lawful hours and under all laws applicable to general county elections.

Every two (2) years thereafter, in August, in the manner aforesaid, the Henderson County Election Commission shall by ordinance call and hold an election for Mayor and Aldermen, who shall hold office for two years, and until their successors are duly elected and qualified.

All candidates for the office of Mayor and Alderman shall be legal residents within the corporate limits of The Town of Scotts Hill, shall have had their residences within the Town for not less than one (1) year prior to the election in which they are candidates, and shall be legally qualified voters within the Town. Candidates for the office of Mayor or Alderman shall qualify for election by submitting a nominating petition that conforms to the requirements of the general laws of the state of Tennessee for the qualification of candidates in municipal elections, found at Tennessee Code Annotated Title 2, Chapter 5, as it may be amended.

SECTION 20. The Mayor and Board of Aldermen shall by ordinance fix the tax rate on or before October 1 of each year.

SECTION 21. The Town of Scotts Hill shall also have all the powers that are now, or may thereafter be, granted to municipalities in the state of Tennessee, that are general in their nature under the Constitution and laws of the state of Tennessee and such general powers shall be in addition to any special powers granted that are not in degradation of any such special powers contained in this Charter. The enumeration of powers in this Charter shall not be constructed as a restriction of powers, but in the construction of this Charter the same shall be given a broad construction so as to

effectuate the purposes of this Act, and The Town of Scotts Hill shall possess all powers expressly given or by necessary implication needed to carry into effect this Charter.

SECTION 22. The territory adjoining the Town may be added hereto and included in the corporate limits and annexed to The Town of Scotts Hill in a manner provided by general law.

SECTION 23. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 24. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Town Council of Scotts Hill. Its approval or non-approval shall be proclaimed by the presiding officer of the Town Council and certified by him to the Secretary of State.

SECTION 25. For the purpose of approving or rejecting this act, as provided in Section 24, it shall take effect on becoming a law, but for all other purposes it shall take effect upon being approved as provided in Section 24.

PASSED: April 8, 2004


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of April 2004


PHIL BREDEZEN, GOVERNOR